

REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Claims 1-21 were pending when examined. Non-elected claims 15-18 were withdrawn from consideration by the Examiner.

By this Amendment, claims 1, 10 and 11 are amended, and claims 2-9 and 12-22 are cancelled.

Claim 1 combines previously pending claim 1 with previously pending claims 4, 5, 7, 8 and 9. Support for the amendments to claim 1 can be found in the descriptions on page 43, lines 9 and 14-16; page 41, lines 6 and 25-26; page 39, line 7; page 40, lines 7-9; page 41, line 27; page 42, lines 18-19; page 40, line 20; page 41, lines 2-5; and page 46, lines 6-8 of the originally filed specification.

Claim 1 is also amended to delete "a solvate thereof or a prodrug thereof."

Claim 10 is amended to include Markush language.

Claim 11 is amended to correspond to the amendments to claim 1, and to recite a pharmaceutically acceptable agent. Support for the amendments to claim 11 can be found on page 129, line 11 – page 142, line 13 of the specification.

The specification is also amended to correct minor errors, which are self-explanatory.

I. Claim of Priority

Applicants claim foreign priority under 35 U.S.C. § 119 to Japanese Patent Application No. 2003-309232, filed September 1, 2003, and Japanese Patent Application No. 2003-369547, filed October 29, 2003. Applicants submit concurrently herewith verified English translations of the two priority applications. Accordingly, Applicants respectfully request express acknowledgement of the claim of foreign priority by checking the appropriate boxes on the Office Action Summary page of the next Official Action.

II. Title

By this Amendment, Applicants have amended the title as suggested by the Examiner.

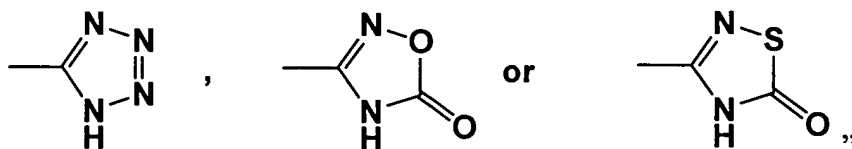
III. Claim Objection

The Examiner objects to claims 12-14 under 37 CFR 1.75(c) as being of improper dependent form. By this Amendment, claims 12-14 are cancelled, rendering the objection moot.

IV. Claim Rejection Under 35 U.S.C. § 112, Second Paragraph

The Examiner rejects claims 1-3, 5-9, 11-14 and 19-22 under 35 U.S.C. § 112, second paragraph, as being indefinite for the terms R^1 and R^2 as “an acidic group which may be protected.”

Claim 1 has been amended to recite that R^1 and R^2 are each independently “-COOR^A (wherein R^A is hydrogen or C1-8 alkyl), -CONR^BSO₂R^C (wherein R^B is hydrogen or C1-8 alkyl, R^C is C1-8 hydrocarbon), -SO₂NR^BCOR^C (wherein R^B and R^C are as described above),



Accordingly, one of ordinary skill in the art would clearly understand the definitions of variables R^1 and R^2 .

Claims 2-3, 5-9, 12-14 and 19-22 are cancelled, and claim 11 does not recite variables R^1 and R^2 .

Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

V. Claim Rejection under 35 U.S.C. § 112, First Paragraph

The Examiner rejects claims 1-14 and 19-22 under U.S.C. § 112, first paragraph, because the specification, while being enabling for making salts of the claimed compounds, does not reasonably provide enablement for making solvates of the claimed compounds.

Claim 1 is amended to delete “a solvate thereof,” rendering the rejection moot.

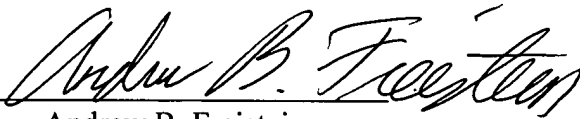
VI. Conclusion

For these reasons, Applicants take the position that the presently claimed invention is clearly patentable over the applied references.

Therefore, in view of the foregoing amendments and remarks, it is submitted that the rejections and objection set forth by the Examiner have been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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Enclosures: Verified English Translations of Japanese Patent Application No. 2003-309232
and Japanese Patent Application No. 2003-369547

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